

EXHIBIT A

Conference

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PHILLIPS, L.G., LCD CO., LTD, :
Plaintiffs, : Civil Action
vs. : No. 04-343(JJF)
TATUNG CO., TATUNG COMPANY OF :
AMERICA, INC., and VIEWSONIC :
CORPORATION, :
Defendants. : TRIAL BY JURY OF 12

A status conference was taken
before The Honorable Vincent J. Poppiti on Thursday,
May 24, 2007, beginning at approximately 3:15 p.m.

APPEARANCES:

STEPHEN BRAUERMAN, ESQ.
THE BAYARD FIRM
222 Delaware Avenue, Suite 900
Wilmington, Delaware 19899
Attorney for Plaintiffs

Gail Inghram Verbano, CSR, RMR, CLR
CORBETT & WILCOX
230 N. Market Street - Wilmington, Delaware 19801
(302) 571-0510

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<p>1 APPEARANCES: (CONT'D.)</p> <p>2 CASS W. CHRISTENSON, ESQ.</p> <p>3 CORMAC T. CONNOR, ESQ.</p> <p>4 McKENNA, LONG & ALDRIDGE</p> <p>5 1900 K Street NW</p> <p>6 Washington, D.C. 20006-1108</p> <p>7 Attorney for Plaintiffs</p> <p>8</p> <p>9 JAIME TWEEDIE, ESQ.</p> <p>10 RICHARDS LAYTON & FINGER</p> <p>11 One Rodney Square</p> <p>12 Wilmington, Delaware 19899</p> <p>13 Attorney for Defendant Tatum Co</p> <p>14</p> <p>15 VALERIE HO, ESQ.</p> <p>16 GREENBERG TRARURIG, LLP</p> <p>17 2450 Colorado Avenue, Suite 400E</p> <p>18 Santa Monica, California 90404</p> <p>19 Attorney for Defendant Tatum Company</p> <p>20 of America, Inc</p> <p>21 JAMES D. HEISMAN, ESQ.</p> <p>22 CONNOLLY, BOVE, LODGE & HUTZ</p> <p>23 1220 North Market Street</p> <p>24 Wilmington, DE 19801</p> <p>Attorney for Defendant Viewsonic Corporation</p> <p>SCOTT MILLER, ESQ.</p> <p>CONNOLLY, BOVE, LODGE & HUTZ</p> <p>355 South Grand Avenue</p> <p>Los Angeles, California 90071-31076</p> <p>Attorney for Defendant Viewsonic Corporation</p>	<p>1 one of the new claims relates to fastening at the</p> <p>2 corner.</p> <p>3 JUDGE POPPITI: Right.</p> <p>4 MR. MILLER: So we asked for this</p> <p>5 information.</p> <p>6 And I know LPL has asserted that</p> <p>7 this is an attempt to end-run the discovery and the</p> <p>8 discovery order Your Honor entered as a result of the</p> <p>9 hearing that took place back in February.</p> <p>10 JUDGE POPPITI: Yes.</p> <p>11 MR. MILLER: And from our</p> <p>12 standpoint, it clearly is not an end-run.</p> <p>13 First, it's independent discovery</p> <p>14 related to different topics. The fact that some of</p> <p>15 the documents may overlap, or a substantial amount of</p> <p>16 the documents may be the same is not an attempt to</p> <p>17 end run.</p> <p>18 The other thing that I think is</p> <p>19 important to remember is that, based on my</p> <p>20 understanding at least, the reason for the deferral</p> <p>21 by Your Honor of the decision for the motion that was</p> <p>22 argued back in February was that Your Honor wants to</p> <p>23 be able to assess the veracity of the statements made</p> <p>24 by LPL with regard to whether their products practice</p>
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<p>1 JUDGE POPPITI: Okay. We are back</p> <p>2 with the May 2nd application, by correspondence of</p> <p>3 that date from Mr. Heisman. The response is dated</p> <p>4 May 9 from Mr. Kirk. And for my purposes, that is</p> <p>5 No. DM31. Please, Mr. Heisman.</p> <p>6 MR. MILLER: Your Honor, this is</p> <p>7 Scott Miller. I'll be speaking to this one.</p> <p>8 JUDGE POPPITI: Thank you,</p> <p>9 Mr. Miller.</p> <p>10 MR. MILLER: And what we seek,</p> <p>11 obviously, by this motion is a production of</p> <p>12 technical-related documents from LPL relating to the</p> <p>13 structure and drawings showing the structure of and</p> <p>14 information regarding various products that are made</p> <p>15 by LPL.</p> <p>16 The discovery request under which</p> <p>17 these are sought seek information about products that</p> <p>18 are provided by LPL where there are instructions</p> <p>19 included to mount or the product itself is arranged</p> <p>20 so as to mount at the corners.</p> <p>21 As you know, there was some</p> <p>22 late-asserted claims and some allowed discovery was</p> <p>23 permitted by defendants to address these new claims.</p> <p>24 One of the claim terms that was in the new claims and</p>	<p>1 the inventions that led to the agreement with</p> <p>2 Viewsonic about narrowing or limiting the time frame</p> <p>3 of certain discovery responses.</p> <p>4 JUDGE POPPITI: That's correct.</p> <p>5 MR. MILLER: And this is totally</p> <p>6 independent of the determination of the veracity of</p> <p>7 that statement.</p> <p>8 As I say, it's independent</p> <p>9 discovery. It's tied to issues that are the subject</p> <p>10 matter of the new claims. And what we believe, from</p> <p>11 what we've been able to ascertain, we've submitted to</p> <p>12 Your Honor some product specifications that we've</p> <p>13 been able to find on the Internet that show</p> <p>14 information about how LPL directs that certain of its</p> <p>15 products be mounted at corners; and as a result,</p> <p>16 we're asking for documents that relate to those sorts</p> <p>17 of products.</p> <p>18 We also note from those drawings</p> <p>19 that there appear to be fasteners on the back of</p> <p>20 those products in some of the depictions.</p> <p>21 And those fasteners we believe</p> <p>22 relate also to issues involved in this case -- in</p> <p>23 particular, to the validity of the patents in suit</p> <p>24 where there are fasteners on the back.</p>

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<p>1 pleadings in this case, not just limited to the</p> <p>2 issues that we may have raised or may not have</p> <p>3 raised.</p> <p>4 Mr. Connor's arguments that these</p> <p>5 discovery -- this discovery request should be denied</p> <p>6 because the courts withheld ruling on the other</p> <p>7 discovery request because they had numerous claim</p> <p>8 terms seems to me to be putting -- ignoring the fact</p> <p>9 that one has to evaluate this request on the terms of</p> <p>10 this request.</p> <p>11 JUDGE POPPITI: No, and I</p> <p>12 understand that.</p> <p>13 No. I, if I decide to be consistent</p> <p>14 with the ruling that the discovery is staged the way</p> <p>15 I expect that Judge Farnan states it, by virtue of</p> <p>16 signing the scheduling order, which you all crafted,</p> <p>17 and staged in a fashion that I continue to structure,</p> <p>18 with Judge Farnan's direction to me, by virtue of</p> <p>19 saying some discovery will likely have to occur after</p> <p>20 Markman, I in no way intend to suggest, and will not,</p> <p>21 deny the motion. I will simply forestall it.</p> <p>22 And I want to just talk about that</p> <p>23 just for a little bit longer.</p> <p>24 There is some suggestion,</p>	<p>1 background of that circumstance.</p> <p>2 JUDGE POPPITI: Right.</p> <p>3 MR. MILLER: In that three-week</p> <p>4 period of time, there's just no possible way that</p> <p>5 we're going to be able to obtain, digest and prepare</p> <p>6 a report of an expert of voluminous discovery</p> <p>7 relating to fasteners on the back of these devices</p> <p>8 and their impact on LPL's obligation to make</p> <p>9 disclosure to the patent office and the obviousness</p> <p>10 that may result from that.</p> <p>11 And as a result, if we don't --</p> <p>12 we're obviously not even going to have the full three</p> <p>13 weeks, because once the Court issues the order, then</p> <p>14 it will re-take up the issue of this discovery. And</p> <p>15 presumably it's going to take -- I would imagine it's</p> <p>16 going to take a week or 10 days, if not two weeks, in</p> <p>17 order to get that material in our hands in the first</p> <p>18 instance; even if the Court decides at that point in</p> <p>19 time -- assuming the Court decides at that point in</p> <p>20 time that the discovery should go forward.</p> <p>21 Under those circumstances, it's</p> <p>22 going to be completely impossible for us to meet the</p> <p>23 deadlines that have been set by the Court for the</p> <p>24 expert discovery, which obviously has an impact all</p>
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<p>1 Mr. Miller, in your papers, that were I to forestall</p> <p>2 the discovery until after the terms have been --</p> <p>3 after the claims and the terms have been construed,</p> <p>4 that -- I'm not sure I recall you actually using the</p> <p>5 word, but you may have: Prejudice, that it would</p> <p>6 have some impact on the trial. And I'm not quite</p> <p>7 sure what you're suggesting.</p> <p>8 MR. MILLER: Here's my concern,</p> <p>9 Your Honor.</p> <p>10 LPL has advised all of us that this</p> <p>11 discovery is going to be voluminous. We will have</p> <p>12 approximately three weeks from the date of the claim</p> <p>13 construction order in which to finalize our expert</p> <p>14 report on invalidity defenses. Now, that would</p> <p>15 include the issues of inequitable conduct.</p> <p>16 And just to dot the "I" on that</p> <p>17 point, we have put in our discovery responses, under</p> <p>18 our unclean hands defense, which has been</p> <p>19 specifically pled, information about the inequitable</p> <p>20 conduct defense, and specifically raised it during</p> <p>21 the discovery period in this case.</p> <p>22 And so LPL -- it's an issue that</p> <p>23 will have to be decided by Judge Farnan, I</p> <p>24 understand. But I just want you to have the full</p>	<p>1 the way down the line, through the summary</p> <p>2 adjudication motions and ultimately, potentially, on</p> <p>3 the trial date.</p> <p>4 So we can't be asked, I don't</p> <p>5 believe, to -- because of the staging order that's</p> <p>6 been entered by Judge Farnan, if this is his</p> <p>7 intention, to compress our ability to put together an</p> <p>8 expert report on voluminous -- analyze and prepare a</p> <p>9 report on voluminous discovery over the course of</p> <p>10 what's going to amount to a week or 10 days of time.</p> <p>11 JUDGE POPPITI: And I can't -- I</p> <p>12 certainly am not in a position to suggest what Judge</p> <p>13 Farnan would do or not do. At the same time, it is</p> <p>14 my primary responsibility to make sure that the time</p> <p>15 frames that have been established are workable and</p> <p>16 are working.</p> <p>17 So if they're not working, then</p> <p>18 it's my responsibility to listen to your respective</p> <p>19 positions, make some informed judgment as to how</p> <p>20 deadlines that are established, short of moving the</p> <p>21 trial deadlines, can be adjusted. So there's</p> <p>22 certainly no expectation on my part that you would be</p> <p>23 working within the constraints of that very short</p> <p>24 period of time.</p>

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1 It may be helpful for me to
2 expand -- let me see if I have -- just give me one
3 moment. I'm operating out of a different room today,
4 and I want to access the calendar. If you all would
5 just give me a moment, I'm going to put you on mute.

6 (Discussion off the record.)

7 JUDGE POPPITI: Thank you for your
8 patience, Counsel.

9 MR. CHRISTENSON: Your Honor, this
10 is Cass Christenson. May I respond to what
11 Mr. Miller said?

12 JUDGE POPPITI: Yes, you may. But
13 I want a moment to look down at some dates here.

14 I'm just looking at the date that I
15 have committed myself to issuing the initial
16 recommendation, and that is on the 21st of June.

17 You know, I will make every effort
18 to get that out before then. And I don't know
19 whether I should actually commit to a different date,
20 but I'm -- the 21st is on a Thursday.

21 I think what I can do is commit to
22 you, so at least you see time frames in terms of how
23 they are unfolding, to be -- to the Friday before
24 that, the 15th.

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1 And knowing that I -- were I to
2 take the same approach with this application as I
3 took with an earlier application, knowing that there
4 will be discovery impact -- or there is likely to be
5 discovery impact, it may be important for me to
6 schedule time now for a conference to deal with that.

7 I don't know whether that would be
8 helpful.

9 For example, if I commit to issuing
10 on the 15th -- that's a Friday -- and reschedule a
11 conference on the 19th to deal with the impact of
12 the Markman on discovery -- that may be too soon, but
13 we can do it the 20th, for example, and give you
14 all time on Monday to describe, in very short order,
15 what you see to be the impact, and deal with it
16 either on the 19th or the 20th.

17 Any thoughts?

18 MR. CONNOR: Your Honor, I think
19 that is a workable proposal.

20 I just want to point out that
21 our -- we certainly disagree with Mr. Miller's
22 generalizations about the -- first, about volume of
23 discovery. Because as he said, he said that -- he
24 made that statement that it will be voluminous.

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1 It certainly may be, but that's
2 also going to depend on where the constructions come
3 out. In fact, depending what the constructions are,
4 it may be nothing.

5 And the second point is that he
6 said that it would be, therefore, completely
7 impossible for Viewsonic to meet their deadline. I
8 don't know how, at this point, he can make those
9 kinds of representations without knowing what the
10 ruling is going to be and what the volume of
11 discovery is going to be.

12 JUDGE POPPITI: I understand that.

13 MR. CONNOR: Additionally, he made
14 a point about the inequitable conduct defense, which
15 apparently Viewsonic's -- I may be getting into what
16 Mr. Christenson --

17 MR. CHRISTENSON: Yeah, that was
18 the point I was going to make.

19 I wanted to make you aware that
20 there's a decision by Judge Farnan that -- as I
21 recall; I don't have it in front of me. But as I
22 recall, he states that a party cannot essentially
23 plead or support a defense of an inequitable conduct
24 through Interrogatory answers.

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1 So again, we're going to have a
2 dispute about whether there's any inequitable conduct
3 defense.

4 JUDGE POPPITI: But that's
5 something for another day.

6 MR. CHRISTENSON: And I just want
7 to make the point that Viewsonic doesn't have that
8 defense. I don't see how it could have an expert
9 report on a defense it has not pled.

10 JUDGE POPPITI: Well, I expect,
11 then, that I may be dealing with that in short order.
12 Correct?

13 MR. CHRISTENSON: That seems to be
14 the case, Your Honor. Yes.

15 JUDGE POPPITI: All right. Well,
16 let me -- I appreciate and I believe understand your
17 respective views on the application. I will defer
18 the application until after the issuance of the
19 Markman decision.

20 If it is going to be helpful --
21 because I certainly don't want to shave time off of
22 the time that I've allotted to myself. But if it is
23 going to be helpful to issue on the 15th and then
24 begin to use the time in the new week to discuss the

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<p>1 impact of Markman on discovery, then I'm willing to 2 commit myself to the 15th.</p> <p>3 Now, I understand, as we all 4 understand, that my work is not something that gets 5 written in stone. It is in sandstone until you all, 6 as parties, either agree to accept it, or even after 7 objection, Judge Farnan exercises his authority and 8 either adopts, rejects or modifies it. But that does 9 not suggest that we don't keep the ship moving 10 forward.</p> <p>11 So if there is a consensus that 12 issuing on the 15th and then beginning to focus on 13 the impact on discovery 18, 19 and 20, then I'll do 14 that.</p> <p>15 MR. MILLER: Your Honor, I think 16 the earlier we can start assessing the impact on 17 discovery, the better off we'll all be.</p> <p>18 MR. CHRISTENSON: Your Honor, I 19 agree with Mr. Miller. I think we all need to 20 understand what Your Honor's rulings will be and then 21 have a chance to digest it and then proceed 22 accordingly.</p> <p>23 JUDGE POPPITI: All right. Well, 24 then, I will commit to issuing on the 15th.</p>	<p>1 business on the Wednesday, and have a conference with 2 you on the Friday. That would give us --</p> <p>3 JUDGE POPPITI: Let's do this. I 4 will -- whether it's a Thursday, which was a 5 committed day for me anyway, expecting that I was 6 going to be using all the time to ramp up to Markman 7 and to issue it. So you know that I've got 8 availability on the 21st. And I can tell you that 9 I have -- I presently have ability on the 22nd.</p> <p>10 I would like you all to marshal 11 your own forces and make some determination as to 12 when there will be a filing in the nature of a 13 discovery update, status if you will, what yet needs 14 to be done.</p> <p>15 I'd like you to discuss some page 16 limitations so it make sense for me, on this end, to 17 get whatever you're going to be giving me so that I 18 can turn it around and make a determination either on 19 the 21st or 22nd. But I'll leave it to you all 20 to work out that detail.</p> <p>21 And then just be in a position to 22 let me know -- well, let me know at Markman, or at 23 the end of the Markman.</p> <p>24 MR. CHRISTENSON: Very well, Your</p>
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<p>1 And is it premature to talk about 2 the following week, or should we target something in 3 the following week?</p> <p>4 And let me just describe part of a 5 calendar. I will not be -- that would be too late 6 anyway. But just for Counsel's information, I will 7 not be in the office of week of July 4. So whatever 8 we're doing, we're going to be doing commencing the 9 week of the 18th and the week of the 25th.</p> <p>10 MR. MILLER: Your Honor, I think we 11 should try to do something that week of the 18th. 12 I might suggest that we have until the end of the 13 19th to -- because that's Father's Day weekend. I 14 don't know if people will be traveling and things -- 15 I know I'm actually traveling that weekend.</p> <p>16 But if we have until the end of the 17 19th to file something, and then perhaps have a 18 conference with Your Honor on the 21st.</p> <p>19 JUDGE POPPITI: Okay. Does that 20 work for everyone?</p> <p>21 MR. CHRISTENSON: You know, I don't 22 have a calendar in front of me. I guess my thought 23 is, given that that is the Father's Day weekend, 24 perhaps we could submit something by close of</p>	<p>1 Honor.</p> <p>2 MR. MILLER: That's fine, Your 3 Honor.</p> <p>4 JUDGE POPPITI: Now, I think that's 5 all we need. I just want to make sure that we have 6 enough time scheduled for Markman. I know we 7 addressed this briefly the other day. And if there's 8 any sense that we're going to need the courtroom 9 beyond what they consider to be their normal closing 10 time of 5 o'clock, please let me know that so I can 11 tell them that we're going to need the courtroom 12 beyond 5:00. We're starting at 2:00.</p> <p>13 MR. MILLER: I have on our calendar 14 we were starting at 1:00, Your Honor.</p> <p>15 JUDGE POPPITI: Wait a minute. I'm 16 sorry. We are starting at 1:00. Thank you.</p> <p>17 So that should give us more than 18 sufficient time. If there's any sense that it is not 19 giving us sufficient time, just let my office know so 20 that we can make whatever arrangements we need to 21 have late lights.</p> <p>22 That's an old Jesuit term, for 23 those of you who remember late lights in college. 24 Anything else, please?</p>